

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Charles Linah Parris

Docket No. 0650 3:12CR00162 - 1

Petition for Action on Conditions of Pretrial Release

COMES NOW Paul Montgomery, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Charles Linah Parris
who was placed under pretrial release supervision by the Honorable E. Clifton Knowles
sitting in the Court at Nashville, Tennessee, on 8/20/2012, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Paul Montgomery Paul Montgomery Nashville, TN July 30, 2013
U.S. Pretrial Services Officer Place: Date:
Next Scheduled Court Event Trial Not Scheduled
Event Date

PETITIONING THE COURT

- ☒ No Action ☐ To issue an order setting a hearing on the petition
☐ To Issue a Warrant ☐ Other

THE COURT ORDERS:

- ☒ No Action ☐ A Hearing on the Petition is set for
☒ The Issuance of a Warrant.
☐ Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only) Date Time
☐ Other

Considered and ordered this 1st day
of August, 2013, and ordered filed
and made a part of the records in the above
case.

E. Clifton Knowles
Honorable E. Clifton Knowles
U.S. Magistrate Judge

The Honorable E. Clifton Knowles
U.S. Magistrate Judge
Petition for Action
Re: Parris, Charles Linah
3:12-00162
July 30, 2013

On August 20, 2012, Charles Linah Parris appeared before Your Honor for an Initial Appearance. The defendant was named in Two Count Indictment charging him with violating 18 U.S.C. §§ 2252A(a)(2)(A) and 2252(A)(5)(B) - Distribution of Child Pornography and Possession of Child Pornography. At the hearing, the defendant was Ordered Released on pretrial services supervision with conditions. Mr. Parris has been supervised by the U.S. Probation and Pretrial Services Office in the Middle District of Tennessee.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

Violation:

Special Condition (7): The defendant shall be subject to a curfew as directed by the pretrial services officer. During non-curfew hours, the defendant's activities away from his residence shall be restricted to pre-approved absences for gainful employment, attorney visits, religious services, medical care or treatment needs, and such other times as may be specifically authorized by the pretrial services office. Electronic monitoring, as directed by pretrial services, shall be used to monitor compliance. This condition is in compliance with 18 U.S.C. § 3142(c)(1).

Following the defendant's release, former Pretrial Services Officer Tim Searcy, discussed these conditions with the defendant and provided him with a copy of the release conditions and the electronic monitoring conditions. On June 27, 2013, this pretrial services officer received an alert from the electronic monitoring company advising the defendant did not return home at his 9 p.m. curfew. The defendant was telephoned via his cell phone and he informed me he had traveled to Chattanooga, Tennessee, to visit with his mother, and to also allow his teenage son to spend some time with his grandmother. He stated he left this officer a voice message earlier in the day advising this officer of his intent to travel. Mr. Parris' release conditions allow him to travel to the Eastern District of Tennessee. However, prior permission must be granted by the pretrial services officer if this travel will deviate from his curfew schedule.

The defendant stated that he left the voice message because he did not consider his notification of his intent to travel to visit his mother as an urgent matter that required approval from someone other than the supervising pretrial services officer. He apologized for his blunder and stated he now fully understands his conditions and will comply with the conditions as imposed by the Court.

Petition for Action Re:
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Respectfully Petitioning the Court as Follows:

It is respectfully recommended that no adverse action be taken at this time. Mr. Parris has been admonished by the pretrial services officer and it is believed by this officer that Mr. Parris will not commit this blunder again. Other than the aforementioned, he has complied with his release conditions.

Approved by:

A handwritten signature in black ink, appearing to read "W. Burton Putman", written in a cursive style.

W. Burton Putman
Supervisory U.S. Probation Officer

xc:
AUSA Lynne Ingram
Attorney for the Defendant, William A. Cameron

UNITED STATES DISTRICT COURT

MIDDLE

District of

TENNESSEE

United States of America

V.

ORDER SETTING CONDITIONS OF RELEASE

CHARLES LINAH PARRIS

Case Number: 3:12-00162

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) The defendant promises to appear at all proceedings as required and to surrender
- (☐) The defendant executes an unsecured bond binding the defendant to pay _____ dollar _____)
in the event of a failure to appear as required or to surrender as directed for

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SCANNED

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date _____

(X) (7) The defendant shall:

() (a) report to the U.S. Pretrial Services as directed _____,

telephone number (615) 736-5771, not later than _____.

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____

() (d) execute a bail bond with solvent sureties in the amount of \$ _____.

() (e) maintain or actively seek employment.

() (f) maintain or commence an education program.

() (g) surrender any passport to: _____

() (h) obtain no passport.

() (i) abide by the following restrictions on personal association, place of abode, or travel: _____

() (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____

() (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____

() (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

() (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

() (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

() (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

() (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

() (v) Shall permit Pretrial Services Officer to visit you at home or elsewhere at any time, and allow Pretrial Services Officer to confiscate any contraband in plain view.

(X) (w) ABIDE BY THE ATTACHED CONDITIONS

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RE: **Parris, Charles Linah**
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Special Conditions of Bond

1. The defendant shall report to pretrial services as directed.
2. The defendant shall have all changes in residence and employment pre-approved by the pretrial services officer.
3. The defendant shall not reside in or visit any residence where minor children also reside without the prior approval of the pretrial services officer, *except for his 14 year old biological son.* *dy*
4. The defendant shall not associate, either directly or indirectly, with children who appear to be under the age of 18 nor frequent, volunteer, or work at places where children congregate (e.g., playgrounds, parks, malls, day-care centers or schools) unless approved by the pretrial services office. Should any contact with minors be approved by the pretrial services officer or the Court, it shall be in the presence of another adult who is the parent or legal guardian of the minor. In no case shall the defendant have any unchaperoned contact with a minor.
5. The defendant shall not possess, view, listen to, or go to locations where any form of sexually stimulating material or sexually oriented material is available.
6. The defendant shall not possess or use a computer or any device with access to any online computer service at any location (including place of employment) without the prior written approval of the pretrial services office. This includes any Internet service provider, bulletin board system, or any other public or private network or e-mail system.
7. The defendant shall be subject to a curfew as directed by the pretrial services officer. During non-curfew hours, the defendant's activities away from his residence shall be restricted to pre-approved absences for gainful employment, attorney visits, religious services, medical care or treatment needs, and such other times as may be specifically authorized by the pretrial services office. Electronic monitoring, as directed by pretrial services, shall be used to monitor compliance. This condition is in compliance with 18 U.S.C. § 3142(c)(1).
8. Defendant shall not travel outside of the Middle and Eastern Districts of Tennessee without prior approval of the pretrial services office.
9. The defendant agrees that he will not apply for a passport while on pretrial release. Should the defendant currently possess a valid or potentially valid passport, he shall surrender it to his pretrial services officer within 48 hours of release on bond, and agrees to allow pretrial services to maintain custody the passport pending final resolution of this case.
10. The defendant shall refrain from use or unlawful possession of any controlled substances and shall not consume any alcoholic beverages. The defendant shall submit to any method of testing required by the pretrial services office for determining compliance with this condition.

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Special Conditions of Bond

11. The defendant is prohibited from possessing any firearms, dangerous weapons or other destructive devices.
12. The defendant shall notify the pretrial services officer within 48 hours of any law enforcement contact.
13. The defendant shall undergo polygraph examinations to monitor compliance with conditions of pretrial release, as directed by the pretrial services office.
14. The defendant shall permit pretrial services officers to visit him anytime at his home or elsewhere without advance notification. The defendant also shall permit confiscation of any contraband observed in plain view of the pretrial services officer.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

Directions to United States Marshal

- (x) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: August 20, 2012


Signature of Judicial Officer

E. CLIFTON KNOWLES, U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

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